

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 7288

BILL NUMBER: SB 417

DATE PREPARED: Feb 21, 2002

BILL AMENDED: Feb 21, 2002

SUBJECT: Division of Water Enforcement procedures.

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FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: (Amended) This bill provides for administrative enforcement for violations under the jurisdiction of the Division of Water of the Department of Natural Resources. The bill sets limits on the amounts of civil penalties that may be assessed for violations and provides that certain violations are infractions.

The bill also provides that for failure to appear in response to a summons for a violation committed within the view of a conservation officer, the court shall: (1) for a resident, issue an order to suspend the defendant's driver's license and notify the Bureau of Motor Vehicles (BMV) of the suspension; or (2) for a nonresident, notify the BMV of the defendant's failure to appear. It requires the BMV, upon receipt of notice concerning a nonresident, to notify the driver licensing authority of the defendant's state and ask that state to take appropriate action under its laws.

Effective Date: July 1, 2002.

Explanation of State Expenditures: (Revised) This bill should have no fiscal impact on the Department of Natural Resources. The Department should be able to absorb any additional administrative costs given its current budget. Additionally, money deposited in the Water Environmental Fund would be used to cover the costs of mitigating violations.

The Division Director may request the Attorney General to institute a civil action for relief in an appropriate county court. The Attorney General should be able to absorb any additional administrative costs given its current budget.

In CY 2000, the BMV reports that there were 124,729 driver's licenses suspended. Specific data on the number of suspended permits are not available. The newly created suspension will be handled in the current manner by the BMV. No additional expenditures are expected to result from this proposal. The fund affected

is the Motor Vehicle Highway Account which supports the BMV.

Explanation of State Revenues: (Revised) This bill establishes the Water Environmental Fund. The fund consists of accrued interest, civil penalties, and gifts and grants. Money in the fund does not revert to the State General Fund at the end of the fiscal year. The total amount in the fund may not exceed \$1 M. Any money that exceeds \$1 M reverts to the Land and Water Resources Fund. If the fund is abolished, all money in the fund reverts to the State General Fund.

Certain activities are classified as Class B infractions. If additional court cases occur, revenue to the state General Fund may increase if infraction judgments and court fees are collected. The maximum judgment for a Class B infraction is \$1,000 which is deposited in the state General Fund. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed. 70% of the court fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

Explanation of Local Expenditures:

Explanation of Local Revenues: If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Natural Resources, Office of the Attorney General, Bureau of Motor Vehicles. and the Treasurer of State.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Carrie Bales, Executive Assistant, Department of Natural Resources, 317.232.5918; Driver license data for 2000.